



PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Yuichi YAMATO et al  
For: APPLICATOR FOR COSMETICS  
Serial No.: 10/786 216                      Group: 1771  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR 1.132**

I, the undersigned, hereby declare as follows:

I am one of the inventors of the invention described and claimed in application Serial No. 10/786 216, filed on February 25, 2004.

I hereby incorporate by reference herein the contents of the Examples and Comparative Examples contained on pages 18-25 of the above-identified application.

I have conducted tests to illustrate the importance of silicic acid being contained in the NBR composition.

NBR compositions were formulated containing the components shown in the attached Table. The NBR compositions were formulated according to the procedures shown in the Examples in the above-identified application and their water absorption properties were measured before and after being subjected to rolling.

In the NBR compositions shown in the Table, the compositions of Examples 3 and 5 contained silicic acid while the compositions of Example 4 and Comparative Examples 3 and 4 did not. "A" indicates the properties of the NBR composition before rolling and "B" indicates the properties of the NBR composition after the indicated number of roll passes. The results are shown in the Table below.

TABLE

Product Name	Ex. 3		Ex. 4		Ex. 5		Comp. Ex. 3		Comp. Ex. 4	
	A	B	A	B	A	B	A	B	A	B
NBR polymer	100									
polymer N240S										
Lubricant	1									
Stearic acid										
Softener	1									
Hydrous silicic acid	5		0		5		0		0	
Nipsil VN3	72		0		0		72		0	
Novelight A										
Tamapearl TP-123	0		72		72		0		0	
Precipitated calcium carbonate having a prismatic										
Precipitated calcium carbonate having spindle-shaped particle	0		0		0		0		72	
Hakuenka CC										
Titanium oxide	26									
Antioxidant	1									
Nocrac										
Plasticizer	20									
Low temperature decomposition type crosslinking agent	2.5									
Nyper BW										
Perhexa 25B:40	2.5									
High temperature decomposition type crosslinking agent										
Blowing agent	5.0									
Neocellborn N1000S										
VESTA-18	5.0									
Dehydrator	0	5	0	20	0	5	0	20	0	20
Roll pass	30	370	30	290	30	450	30	300	20	300
Water absorption										
Apparent density	0.24	0.17	0.23	0.16	0.23	0.16	0.23	0.16	0.23	0.16
Tensile Strength	540	420	410	310	560	450	400	300	450	330
Elongation	210	300	240	290	220	310	250	300	290	320
	A	B	A	B	A	B	A	B	A	B
	Ex. 3		Ex. 4		Ex. 5		Comp. Ex. 3		Comp. Ex. 4	

### DISCUSSION OF RESULTS

As can be seen from the above Table, all of the NBR compositions had similar water-absorption properties before being rolled. However, the NBR compositions containing silicic acid, the compositions of Examples 3 and 5, exhibited high water absorption rates of 370% and 450%, respectively, after only 5 roll passes. In contrast thereto, the NBR compositions not containing silicic acid, the compositions of Example 4 and Comparative Examples 3 and 4, had low absorption rates of 290%, 300% and 300%, respectively, after 20 roll passes.

The presence of the silicic acid in the NBR composition of the present invention improves the degree of fastness of wall between the cells of the composition and physically improves the communication between the cells by repetition of bending, thereby allowing the cell forms having a low water absorption percentage to be economically adjusted to having improved water-absorption properties.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: Dec. 11, 2007

Y. Yamato